

March 16, 2010

TO: Board of Acquisition and Contract

FROM: Joseph A. Stout, Commissioner
Parks, Recreation and Conservation

RE: **AUTHORITY TO ENTER INTO A LICENSE AGREEMENT WITH AMERICAN ENTERTAINMENT PRODUCTIONS, INC., 1846 HIGHTOWER DRIVE, COLUMBUS, OHIO 43235 TO PROVIDE AN ENTERTAINMENT PACKAGE FOR PLAYLAND FOR A TERM COMMENCING MAY 1, 2010 AND TERMINATING SEPTEMBER 1, 2014 WITH THE COUNTY'S OPTION TO EXTEND THE AGREEMENT FOR AN ADDITIONAL PERIOD OF FIVE YEARS.**

Authority is requested of this Board for the County of Westchester to enter into a license agreement with American Entertainment Productions, Inc. ("American Entertainment"), 1846 Hightower Drive, Columbus, Ohio 43235 to provide an entertainment package consisting of musical revues, DJ, strolling entertainment, strolling band, performers for costumed characters or other mutually agreed upon entertainment for a term commencing May 1, 2010 and terminating September 1, 2014, with the sole option of the County to extend the agreement for an additional period of five years.

Upon approval of this agreement by this Board, American Entertainment will be paid by the County of Westchester as follows:

<u>Year</u>	<u>Amount</u>
2010	\$125,500
2011	\$125,500
2012	\$129,265
2013	\$133,145
2014	\$137,140

The total amount paid to American Entertainment will not exceed \$650,550 for the term of the agreement. Yearly payments are to be made in four equal installments on the first of May, the first of July, the first of August and four days past the final day of entertainment shows in each year of the agreement.

If the County exercises its option to renew, American Entertainment will be paid by the County of Westchester as follows:

<u>Year</u>	<u>Amount</u>
2015	\$141,255
2016	\$145,495
2017	\$149,860
2018	\$154,355
2019	\$158,985

The total amount paid to American Entertainment will not exceed \$749,950 for the term of the option period. Yearly payments are to be made in four equal installments on the first of May, the first of July, the first of August and four days past the final day of entertainment shows in each year of the option period.

In accordance with County procurement policy, a “Request for Proposals” was developed and proposals were requested from seven entertainment production companies. It was also placed on the County’s and Playland’s websites. Three proposals were received and reviewed. Proposals were evaluated on their ability to offer quality shows, descriptions of proposed entertainment, proposal presentation, overall impression and price. Although American Entertainment was not originally the lowest quote, their proposal along with their experience and demonstrated ability in providing quality shows and entertainment at Playland Park since 1998 was the strongest of the proposals. In addition, American Entertainment revised their entertainment package in order to compete fiscally with the lowest priced proposal. The difference between American Entertainment’s original proposal and the revised is the elimination of one Kiddyland show, the use of one steel drum player instead of two, the elimination of the one man band and the incorporation of costumes and sets that already exist. Even with these changes, American Entertainment’s proposal offers more types and hours of entertainment per season than the proposal that was originally priced the lowest thus giving the County the best value.

The goal of this agreement is to allow the County to provide entertainment for patrons at Playland. The County strongly believes that this entertainment package will play a role in drawing additional patrons to Playland. This agreement promotes fiscal responsibility as the additional revenue generated will far exceed the cost of this agreement. If this resolution is not approved, there would be negative consequences to County residents since the less revenue the County generates the greater the burden placed on the taxpayer.

The objective of this agreement will be monitored through site inspections and the review of financial reports.

A Resolution is attached for your favorable consideration.

RESOLUTION

Upon a communication from the Commissioner, Department of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester is authorized to enter into a license agreement with American Entertainment Productions, Inc., 1846 Hightower Drive, Columbus, Ohio, 43235, to provide an entertainment package at Playland Park, Rye, New York 10580 for a term commencing May 1, 2010 and terminating September 1, 2014; and be it further

RESOLVED, that for this entertainment package, the County of Westchester will pay American Entertainment Productions, Inc. as follows:

<u>Year</u>	<u>Amount</u>
2010	\$125,500
2011	\$125,500
2012	\$129,265
2013	\$133,145
2014	\$137,140; and be it further

RESOLVED, that the total amount paid to American Entertainment Productions, Inc. will not exceed \$650,550 for the term of the agreement; and be it further

RESOLVED, that at the County's option the term of this agreement may be extended for an additional five year period from May 1, 2015 through September 2, 2019; and be it further

RESOLVED, that for this option period, the County of Westchester will pay American Entertainment Productions, Inc. as follows:

<u>Year</u>	<u>Amount</u>
2015	\$141,255
2016	\$145,495
2017	\$149,860
2018	\$154,355
2019	\$158,985; and be it further

RESOLVED, that the total amount paid to American Entertainment Productions, Inc. will not exceed \$749,950 for the term of the option period; and be it further

RESOLVED, that this contract is subject to County Appropriations and is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this contract. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of the State Budget or any amendments thereto, and for a reasonable period of time after such release(s) adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this contract or to

renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby empowered to execute any and all instruments and take such other actions as may reasonably be necessary to effectuate the purposes thereof.

Original Agreement \$ 650,550
 First Amendment \$ _____
 This Amendment \$ _____
 TOTAL \$ 650,550

Agreement # _____

Account to be
 Charged/Credited _____

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	5520	4620		\$125,500	2010
165	42	5520	4620		\$125,500	2011
165	42	5520	4620		\$129,265	2012
165	42	5520	4620		\$133,145	2013
165	42	5520	4620		\$137,140	2014

Budget Funding Year(s) 2010-2014 Start Date 5/1/2010 End Date 9/1/2014
 (must match resolution)

Funding Source Tax Dollars _____ X _____

State Aid _____

\$650,550 Federal Aid _____

(must match resolution)

Other _____

APPROVED BOARD OF ACQUISITION CONTRACT 4-8-2010 - JOMARY VIEIRA, SECRETARY